

REMARKS

In the foregoing amendments, claims 1-11, 13-39, 41-56, and 58-59 were canceled. Claims 12 and 57 were canceled previously. After the foregoing amendments, claims 40 and 60-86 are pending in the application. Claims 60, 61, 71, 73-79, and 81-86 were amended in order to better define applicant's claimed invention and partially in response to a rejection under 35 U.S.C. §112, second paragraph.

Applicant respectfully requests that the foregoing amendments be entered under the provisions of 37 C.F.R. § 1.116(b) for the purposes of placing the application in condition for allowance or for the purposes of appeal. The foregoing amendments cancel claims under consideration and withdrawn claims, and amend other claims to better define applicant's invention and to comply with the second paragraph of 35 U.S.C. §112. Since these amendments only deal with editorial matters, applicant respectfully requests that the foregoing amendments be entered under the provisions of 37 C.F.R. § 1.116(b) for the purposes of placing the application in condition for allowance or for the purposes of appeal.

Claims 37-39 were rejected in four separate rejections in the outstanding Office action. The first was a rejection under 35 U.S.C. § 112, second paragraph, because the phrase "alkaline conditions" is vague and indefinite. The second and third rejections were under the first paragraph of 35 U.S.C. § 112, where the Official action stated that (1) the scope of claims 37-39 is not

enabled by the specification disclosure and (2) the specification does not provide an adequate written description of the invention in claims 37-39. In the fourth rejection, claims 37-39 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent No. 4,966,850 of Yu *et al.* (Yu). Since claims 37-39 were canceled in the foregoing amendments, these four rejections are now moot.

While the cover page of the Official action stated that claims 40 and 86 were rejected, the applicant can find no rejection of these claims in the body of the Official action. Applicant respectfully requests a formal allowance of claims 40 and 86. Although claim 86 was not included together with claims 37-39 in the rejection under 35 U.S.C. §112, second paragraph, claim 86 includes the phrase "alkaline conditions," which was objected to in this rejection. In the foregoing amendments the phrase "under alkaline conditions" in claim 86 was amended to "at a pH of about 6.5 to about 9.5." Support for this amendment can be found throughout applicant's specification disclosure, especially in figures 1 and 2. Figures 1 and 2 of the present application show that the endoglucanases of applicant's claims, RCE 1, MCE 1, PCE 1, have a relative activity (%) of 20 or greater at a pH of about 6.5 to about 9.5.

The foregoing amendments to claim 86 were discussed in a telephone interview with Examiner Manjunath Rao, on December 22, 2004. During the interview, Examiner Rao stated that the foregoing amendments place claim 86

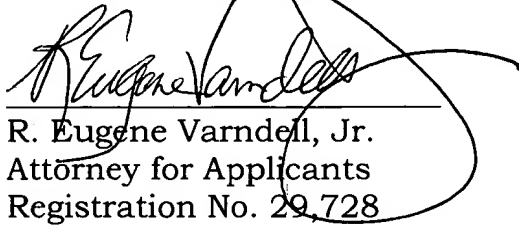
in compliance with the second paragraph 35 U.S.C. §112, second paragraph, and that these amendments are acceptable in a response after final.

Claims 60-85 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, because they lack antecedent basis for a phrase therein. The Official action stated that claim 60 continues to recite the limitation "protein, modified protein or homologue according to claim 40," while this phrase was deleted in claim 40. Therefore, the Official action concluded that there is insufficient antecedent basis for this limitation in the claim. The Official action stated that claims 61, 70-79, and 81-85 suffer from the same deficiency. In the foregoing amendments, claims 60, 61, 71, 73-79, and 81-85 were amended by deleting the phrase "protein, modified protein or homologue." Accordingly, applicant respectfully submits that claims 60-85 particularly point out and distinctly claim the subject matter regarded as the invention within the meaning of 35 U.S.C. §112, second paragraph. Therefore, applicant respectfully requests that the examiner reconsider and withdraw this rejection.

In light of the foregoing amendments and remarks, a formal allowance of claims 40 and 60-86 is respectfully requested. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 22-0256.

Respectfully submitted,
VARNDELL & VARNDELL, PLLC



R. Eugene Varndell, Jr.
Attorney for Applicants
Registration No. 29,728

Atty. Docket No. VX012273 PCT
106-A S. Columbus St.
Alexandria, VA 22314
(703) 683-9730

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